

# Warren County Board of Supervisors

## RESOLUTION NO. 390 OF 2011

**Resolution introduced by Supervisors Thomas, Taylor, Goodspeed, Belden, Monroe, VanNess, Kenny, Merlino and Conover**

**RESCINDING RESOLUTION NOS. 250 AND 330 OF 2011;  
REINTRODUCING PROPOSED LOCAL LAW NO. 2 OF 2011  
AND AUTHORIZING PUBLIC HEARING THEREON**

WHEREAS, Resolution No. 250 of 2011 introduced proposed Local Law No. 2 and Resolution No. 330 of 2011 enacted Local Law No. 2, entitled “A Local Law Limiting Protest Activities Before, During and After Funeral Services in the County of Warren”, and

WHEREAS, due to an error by the newspaper, the proposed Local Law No. 2 was never published, now, therefore, be it

RESOLVED, that Resolution Nos. 250 of 2011 and 330 of 2011 be, and hereby are rescinded accordingly, and be it further

RESOLVED, that proposed Local Law No. 2 of 2011 entitled “A Local Law Limiting Protest Activities Before, During and After Funeral Services in the County of Warren”, attached hereto and made a part hereof, be, and the same is, reintroduced before the Warren County Board of Supervisors, and in order to give interested members of the public the opportunity to be heard thereon, the Board of Supervisors shall hold a public hearing at the Supervisors’ Rooms in the Warren County Municipal Center on the 15<sup>th</sup> day of July, 2011, at 10:00 a.m. on the matter of the adoption of said proposed Local Law No. 2 of 2011, and be it further

RESOLVED, that the Clerk of the Board of Supervisors be, and hereby is, authorized and directed to give notice of such public hearing in the manner provided by law.

**COUNTY OF WARREN**

**PROPOSED LOCAL LAW NO. 2 OF 2011**

**A LOCAL LAW “LIMITING PROTEST ACTIVITIES BEFORE, DURING AND AFTER FUNERAL SERVICES IN THE COUNTY OF WARREN”**

**BE IT ENACTED**, by the Board of Supervisors of the County of Warren, New York,

as follows:

SECTION 1. Title: This Local Law shall be known and may be cited as “A Local Law Limiting Protest Activities Before, During and After Funeral Services in the County of Warren”.

SECTION 2. Legislative Findings:

- a. it is generally recognized that families have a substantial interest in organizing and attending funeral services for deceased relatives,
- b. the right to protecting the interests of families in privately and peacefully mourning the loss of deceased relatives are violated when funerals are targeted for protest activities and other public demonstrations,
- c. First Amendment rights of individuals are important but restrictions that are content neutral and contain a reasonable time and place limitation are appropriate to protect the aforesaid rights of families.

SECTION 3. Purpose: The purposes of this Local Law are to:

- a. Protect the privacy of grieving families within one (1) hour prior to, during and one (1) hour following the commencement of funerals; and
- b. Preserve the peaceful character of cemeteries, mortuaries, funeral homes and places of worship within one (1) hour prior to, during and one (1) hour following the commencement of funerals;

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- c. Not violate the First Amendment Rights of individuals, but apply restrictions that are content neutral and contain a reasonable time and place limitations.

SECTION 4. Definitions: Used in this section:

- a. “Funeral service” means ceremonies, processions and/or memorial services held in connection with the burial or cremation of the dead at cemeteries, mortuaries, funeral homes, places of worship or along processional routes; and
- b. “Protest Activities” means those activities engaged in by a person or persons, including but not limited to 1) that which disturbs or disrupts a funeral service or procession and/or 2) singing, chanting, whistling, yelling, or honking of a motor vehicle horn, display of visual images or signs that convey messages of fighting words or threats of harm or which is likely to incite or produce an imminent breach of peace.

SECTION 5. Prohibition: It is unlawful for any person to engage in protest activities within seven hundred and fifty (750) feet of a funeral service within one (1) hour prior to, during and one (1) hour following the funeral service.

SECTION 6. Penalties: Any person knowingly violating the provisions of this section shall be guilty of an unclassified misdemeanor and upon conviction thereof shall be punished by a fine of not more than One Thousand Dollars (\$1,000), and/or by imprisonment of up to one (1) year.

SECTION 7. Severability: If any clause, sentence, paragraph, subdivision, section or part of this local law or application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect,

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impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which order or judgment shall be rendered.

SECTION 8. Effective Date: This act shall take effect immediately upon filing with the New York State Secretary of State as prescribed by the Municipal Home Rule of the State of New York.